



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 12-69

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VERIZON WIRELESS AND LEAP WIRELESS SEEK FCC CONSENT TO THE EXCHANGE OF LOWER 700 MHz BAND A BLOCK, AWS-1, AND PERSONAL COMMUNICATIONS SERVICE LICENSES

ULS File Nos. 0004942973, 0004942992, 0004952444, 0004949596, and 0004949598

REVISED PLEADING CYCLE ESTABLISHED

Petitions to Deny Due:	February 21, 2012
Oppositions Due:	March 2, 2012
Replies Due:	March 12, 2012

I. INTRODUCTION

Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) and Leap Wireless International Inc. (“Leap Wireless”)¹ have filed a series of applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,² seeking approval to assign spectrum licenses. These applications were placed on a public notice as accepted for filing, and a pleading cycle established, with petitions to deny originally due December 28, 2011.³ This Public Notice establishes a revised pleading cycle, as set out below.

The Rural Telecommunications Group, Inc. (“RTG”) filed a motion for extension of time⁴ to file comments with respect to the above-referenced applications, requesting that the Commission extend the pleading cycle to coincide with the pleading cycles to be established for subsequently filed applications

¹ Leap Wireless International, Inc. holds a direct 100 percent ownership interest in Cricket Communications, Inc. Cricket Communications, Inc. holds a 100 percent ownership interest in Cricket License Company, LLC and an 85 percent ownership interest in Savary Island License A, LLC and Savary Island License B, LLC. *See* FCC 602 Ownership Disclosure Information for the Wireless Telecommunications Services, File No. 0004963672 (filed Nov. 21, 2011). The instant applications are filed by Savary Island License A, LLC (File No. 0004942973), Savary Island License B, LLC (File No. 0004942992), and Cricket License Company, LLC (File Nos. 0004952444, 0004949596, and 0004949598).

² 47 U.S.C. § 310(d).

³ Verizon Wireless and Leap Wireless Seek FCC Consent to the Exchange of Lower 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses, *Public Notice*, DA 11-2018 (rel. Dec. 14, 2011) (“*Initial Comment PN*”).

⁴ Rural Telecommunications Group, Inc. Motion for Extension of Time, ULS File Nos. 0004942973, etc. (filed Dec. 23, 2011) (“RTG Motion”); *see also* RTG Reply to Opposition to Motion for Extension of Time, ULS File Nos. 0004942973, etc. (filed Dec. 28, 2011) (“RTG Reply”).

proposing to assign AWS licenses from SpectrumCo, LLC (“SpectrumCo”) to Verizon Wireless⁵ and from Cox TMI Wireless, LLC (“Cox”) to Verizon Wireless.⁶ MetroPCS Communications, Inc. (“MetroPCS”) and NTELOS Holdings Corp. (“NTELOS”) filed a motion requesting that the Commission defer action on the above-captioned applications pending acceptance of the Verizon Wireless/SpectrumCo and the Verizon Wireless/Cox applications, consolidate all three sets of applications, and set a single pleading cycle for comments on the applications associated with each of the three transactions.⁷

On December 30, 2011, the Wireless Telecommunications Bureau (“Bureau”) issued an order extending the dates for filing comments on the Verizon Wireless/Leap Wireless applications and deciding that the public interest would be served by adopting identical comment cycles for the Verizon Wireless/Leap Wireless, Verizon Wireless/SpectrumCo, and Verizon Wireless/Cox applications.⁸ The Bureau’s order also stated that at such time as the pleading cycles for the Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications were set, the Bureau would issue a separate public notice setting forth the new filing dates for pleadings concerning the Verizon Wireless/Leap Wireless applications. The pleading cycle for the Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications is set forth in a concurrently released public notice.⁹

Accordingly, interested parties must file petitions to deny no later than **February 21, 2012**. Oppositions to such pleadings must be filed no later than **March 2, 2012**. Replies to such pleadings must be filed no later than **March 12, 2012**. All other requirements set forth in the *Initial Comment PN* remain in effect with respect to the above-referenced file numbers.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁰ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

⁵ ULS File No. 0004993617 (filed Dec. 16, 2011).

⁶ ULS File No. 0004996680 (filed Dec. 21, 2011).

⁷ MetroPCS and NTELOS Motion To Defer Action Pending Consolidation, ULS File Nos. 0004942973, etc. (filed Dec. 27, 2011) (“MetroPCS/NTELOS Motion”); *see also* MetroPCS and NTELOS Reply to Opposition to Motion To Defer Action Pending Consolidation, ULS File Nos. 0004942973, etc. (filed Dec. 28, 2011) (“MetroPCS/NTELOS Reply”).

⁸ In the Matter of Applications of Verizon Wireless and Leap Wireless for Commission Consent to the Exchange of 700 MHz Band A Bloc, AWS-1, and Personal Communications Service Licenses, ULS File No. 0004942873, etc., *Order*, DA 11-2096 (rel. Dec. 30, 2011). The Bureau declined to consolidate the Verizon Wireless/Leap Wireless applications with the Verizon Wireless/SpectrumCo and Verizon Wireless/Cox applications at that time, instead stating that the Bureau or the Commission would address issues of consolidation and/or coordinated consideration following a review of the record. *Id.* at ¶ 7.

⁹ Cellco Partnership d/b/a Verizon Wireless, SpectrumCo, LLC and Cox TMI Wireless, LLC Seek FCC Consent to the Assignment of AWS-1 Licenses, WT Docket No. 12-4, *Public Notice*, DA 12-67 (rel. Jan. 19, 2012).

¹⁰ *See* 47 C.F.R. §1.45(c).

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-7878.

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